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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,133	03/10/2004	Gagan Puranik	SKY-03-002	2057
25537	7590	10/21/2005	EXAMINER	
MCI, INC 1133 19TH STREET NW 4TH FLOOR WASHINGTON, DC 20036			DESIR, PIERRE LOUIS	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,133

Applicant(s)

PURANIK ET AL.

Examiner

Pierre-Louis Desir

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6-9, 11-14, 16, 20-22, 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Baranowsky, II et al. (Baranowsky), U.S. Patent No. 5732359.

Regarding claim 1, Baranowsky discloses a device (i.e., mobile terminal) (see abstract) comprising: a wireless transceiver (item 14 and 14') (see fig. 1); and logic to: determine whether a first network is available for transmitting data (i.e., means for monitoring the availability of both the cellular and the satellite network) (see col. 16, lines 32-34), transmit the data to the first network using the wireless transceiver when the first network is available (i.e., establishing a communication over one of the satellite and cellular networks in accordance with availability of the networks) (see col. 16, lines 35-38), determine, when the first network is unavailable, whether a second network is available (i.e., signal strength monitoring) (see col. 16. lines 41-42, and lines 52-56), the second network being different than the first network (satellite networks and cellular networks) (see abstract, and col. 16, lines 32-34), and transmit the data to the second network using the wireless transceiver when the second network is available (i.e., handing off an ongoing communication over the cellular network to the satellite network in accordance with the monitored strength) (see col. 16, lines 39-42, and lines 52-56).

Regarding claim 3, Baranowsky discloses a device (see claim 1 rejection) wherein the logic is further configured to: determine, when the first network is available, whether transmission of the data through the first network was successful (i.e., the control processor determines whether or not service is available. If MSAT service is available, data are received and transmitted through the first network) (see fig. 4, col. 10, lines 45-46, and col. 13, lines 15-21), and perform the determining whether the second network is available when the transmission of the data through the first network was unsuccessful (see col. 10, lines 54-60).

Regarding claim 6, Baranowsky discloses a device (see claim 1 rejection) wherein the wireless transceiver comprises: a first wireless transceiver to transmit data to the first network (see col. 16, lines 23-24), and a second wireless transceiver to transmit data to the second network (see col. 16, lines 25-26).

Regarding claim 7, Baranowsky discloses a device (see claim 6 rejection) wherein the first wireless transceiver transmits data at a different frequency than the second wireless transceiver (i.e., Baranowsky discloses of a first wireless transceiver data to transmit data to the cellular network that inherently transmits data at a cellular frequency, and a second transceiver that transmits data to the satellite network that inherently transmits data at a satellite frequency) (see fig. 1, col. 16, lines 23-26).

Regarding claim 8, Baranowsky discloses a device (see claim 6 rejection) wherein the first wireless transceiver transmits data using a different communication protocol than the second wireless transceiver (e.g., since the first wireless transceiver is used to transmits data to a first network (i.e., satellite network), and the second wireless transceiver is a cellular transceiver (see fig. 1), one skilled in the art would unhesitatingly conceptualize that the first wireless transceiver

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is inherently transmits data using a different protocol than the second wireless transceiver) (see fig. 1, col. 1, lines 40-46).

Regarding claim 9, Baranowsky discloses a device (see claim 6 rejection) wherein the first wireless transceiver transmits data using a different modulation technique than the second wireless transceiver (e.g., Baranowsky discloses a cellular network transceiver and a satellite network transceiver which would inherently use different modulation technique) (see fig. 1, col. 1, lines 40-46).

Regarding claim 11, Baranowsky discloses a device (see claim 1 rejection) wherein the logic is configured to determine whether the first network is available in response to the device being powered up (see fig. 2, col. 8, lines 24-37).

Regarding claim 12, Baranowsky discloses a device (see claim 1 rejection) wherein the logic is configured to determine whether the first network is available in response to the device having data to transmit (see col. 10, lines 44-52).

Regarding claim 13, Baranowsky discloses a method for transmitting data, comprising: selecting a wireless network from a group of wireless networks via which to transmit the data (i.e., selecting a network in accordance with one of a plurality of operating mode) (see col. 8, lines 55-57); and transmitting the data via the selected wireless network (i.e., communicating over the selected network) (see col. 8, lines 52-57).

Regarding claim 14, Baranowsky discloses a method (see claim 13 rejection) further comprising: determining, prior to the transmitting, whether the selected wireless network is available (i.e., means for monitoring the availability of both the cellular and the satellite network) (see col. 16, lines 32-34); and transmitting the data via another wireless network in the

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group of wireless networks when the selected wireless network is unavailable (see col. 16, lines 35-38).

Regarding claim 16, Baranowsky discloses a method (see claim 13 rejection) further comprising: providing an indication of availability of each wireless network in the group of wireless networks (see col. 8, lines 37-39).

Regarding claim 20, Baranowsky discloses a method (see claim 13 rejection) wherein the selecting is performed automatically (see col. 9, lines 47-52).

Regarding claim 21, Baranowsky discloses a device comprising means for selecting a network from a group of networks via which to transmit data (i.e., keypad) (see col. 8, lines 55-57), the selected network utilizing a different communication protocol than another network in the group of networks (e.g., since the first wireless transceiver is used to transmits data to a first network (i.e., satellite network), and the second wireless transceiver is a cellular transceiver (see fig. 1), one skilled in the art would unhesitatingly conceptualize that the first wireless transceiver is inherently transmits data using a different protocol than the second wireless transceiver) (see fig. 1, col. 1, lines 40-46); and means for transmitting data via a selected network (see col. 16, lines 35-38).

Regarding claim 22, Baranowsky discloses a device comprising logic to select a network from a plurality of networks (see col. 8, lines 55-57), each network in the plurality of networks utilizing at a different frequency (i.e., Baranowsky discloses of a first wireless transceiver data to transmit data to the cellular network that inherently transmits data at a cellular frequency, and a second transceiver that transmits data to the satellite network that inherently transmits data at a

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satellite frequency) (see fig. 1, col. 16, lines 23-26); and a transceiver to transmit data via the selected network (see col. 16, lines 23-26).

Regarding claim 26, Baranowsky discloses a device (see claim 22 rejection) wherein the transceiver comprises: a transceiver for each network in the plurality of networks (see col. 16, lines 23-26).

Regarding claim 27, Baranowsky discloses a device (see claim 22 rejection) wherein the logic is configured to select the network automatically (see col. 9, lines 47-52).

Regarding claim 28, Baranowsky discloses a device (see claim 22 rejection) wherein the logic is configured to select the network in response to an input from a user (see col. 8, lines 55-57).

Regarding claim 29, Baranowsky discloses a device (see claim 22 rejection) wherein the logic performs the selecting when data is to be transmitted from the device (see col. 8, lines 55-57).

Regarding claim 30, Baranowsky discloses a device (see claim 22 rejection) further comprising logic configured to override the selection of the network (i.e., once the mobile phone is powered up, it attempts to operate in MSAT (thus, the MSAT is being selected). If attempts to obtain a control channel fails, the mobile phone inherently override the MSAT selection by automatically switching to cellular operation) (see col. 9, lines 47-52).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 19, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowsky in view of Menard, Pub. No. US 2003/0119568.

Regarding claims 2, 19, and 23, Baranowsky discloses a device and a method as described above (see claims 1, 13, and 22 rejections).

Although Baranowsky discloses a device and a method as described above, Baranowsky does not specifically disclose a device and a method wherein a first network comprises an IEEE 802.11-based network and a second network comprises a ReFLEX-based network.

However, Menard discloses a device and method wherein a first network comprises an IEEE 802.11-based network (see page 4, paragraph 48) and a second network comprises a ReFLEX-based network (i.e., paging network) (see page 4, paragraph 54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a device or method that may access an IEEE 802.11 network and a paging network in order to provide to the device the ability to switch between networks whenever factors, such as available service, signal strength, or types of communications being supported occur (see page 4, paragraph 54).

Regarding claim 24, Baranowsky discloses a device (see claim 23 rejection) wherein the logic is configured to select a first network to transmit data over the second network when both networks are available (i.e., if both networks are available, the central processor includes a mode that provides priority to one network, but is also capable of selecting the other network) (see col. 8, lines 61-63).

5. Claims 4-5, 10, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowsky in view of Griffith et al. (Griffith), U.S. Patent No. 6898427.

Regarding claim 4, Baranowsky discloses a device (see claim 3 rejection) wherein the logic is further configured to determine, when the second network is available, whether transmission of the data through the second network was successful (see col. 16, lines 39-42, and lines 52-56).

Although Baranowsky discloses a device as described, Baranowsky does not specifically disclose a device wherein the logic is further configured to store the data when the transmission of the data through the second network was unsuccessful.

However, Griffith discloses a device (i.e., pager or PCD) (see abstract) wherein, in operation, when communication is disrupted, any outgoing data from the pager is held in the memory of the pager (see col. 6, lines 33-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as described by Griffith with Baranowsky teachings in order to obtain a device wherein outgoing data from the device and incoming device to the device are held in specific memory when service is interrupted or disrupted so that upon establishing connection incoming and outgoing data is released to be exchanged accordingly. A motivation for doing so would have been to ensure the safety of the data, as related to data being lost.

Regarding claim 5, Baranowsky discloses a device as described above (see claim 1 rejection).

Although Baranowsky discloses a device comprising of a memory (see col. 5, lines 41-43), Baranowsky does not specifically disclose a device wherein the logic is configured to store the data in the memory for later transmission when the second network is determined to be unavailable.

However, Griffith discloses a device comprising a memory wherein an inherent logic is configured to store data in the memory for later transmission when a network is determined to be unavailable (see col. 6, lines 33-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as described by Griffith with Baranowsky teachings in order to obtain a device wherein outgoing data from the device and incoming device to the device are held in specific memory when service is interrupted or disrupted so that upon establishing connection incoming and outgoing data is released to be exchanged accordingly. A motivation for doing so would have been to ensure the safety of the data, as related to data being lost.

Regarding claim 10, Baranowsky discloses a device as described above (see claim 1 rejection).

Although Baranowsky discloses a device as described, Baranowsky does not specifically disclose a device wherein the logic is further configured to establish a connection with an enterprise device when the first network is determined to be available.

However, Griffith discloses a device (i.e., PCD) (see abstract) wherein the logic is further configured to establish a connection with an enterprise device (i.e., base station 12) when the first network is determined to be available (see col. 5, lines 52-57).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a base station or server device with which a connection is established to the network because this would ensure the proper execution of data transmission.

Regarding claim 15, Baranowsky discloses a method as described above (see claim 13 rejection).

Although Baranowsky discloses a method as described, Baranowsky does not specifically disclose a method further comprising storing the data when none of the wireless networks in the group of wireless networks is available.

However, Griffith discloses a device (i.e., pager or PCD) (see abstract) wherein, in operation, when communication is disrupted, any outgoing data from the pager is held in the memory of the pager (see col. 6, lines 33-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to implement the teachings as described by Griffith with Baranowsky teachings in order to obtain a device wherein outgoing data from the device and incoming device to the device are held in specific memory when service is interrupted or disrupted so that upon establishing connection incoming and outgoing data is released to be exchanged accordingly. A motivation for doing so would have been to ensure the safety of the data, as related to data being lost.

6. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowsky in view of Gunnarsson et al. (Gunnarsson), Pub. No. US 2003/0118015.

Baranowsky discloses a method as described above (see claim 16 rejection).

Although Baranowsky discloses a method as described above, Baranowsky does not specifically disclose a method wherein the indication comprises an audio indication and a visual indication.

However, Gunnarsson discloses a method wherein availability of network is indicated by either an audio indication (i.e. predefined beep) or a visual indication (i.e., displaying of a text message) (see page 3, paragraph 22).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a method wherein the user of a wireless device is notified of networks availability through either a sound or a received text message so as to allow the user to select the appropriate network.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baranowsky and Menard in further view of Griffith.

Baranowsky and Menard disclose a device as described above (see claim 23 rejection).

Although Baranowsky and Menard disclose a device as described, Baranowsky and Menard do not specifically disclose a device further comprising logic to establish a connection with an enterprise device when the IEEE 802.11-based network is available.

However, Griffith discloses a device (i.e., PCD) (see abstract) wherein the logic is further configured to establish a connection with an enterprise device (i.e., base station 12) when the first network is determined to be available (see col. 5, lines 52-57).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a base station or server device with which a connection is established to the network because this would ensure the proper execution of data transmission.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-779. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

pd
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10/15/2005


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SUPERVISORY PATENT EXAMINER